

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

TIRUMALA TIRUPATI DEVASTHANAMS, – Appeal Petition filed by Sri M.Malla Reddy, Security Guard, V.&S.O., Tirumala Tirupati Devasthanams u/s 120 (ii) of Act 30/1987 – Appeal allowed – orders - Issued.

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REVENUE (ENDOWMENTS.III) DEPARTMENT

G.O.Rt.No 928

Dated: 30-06-2010

Read the following:

1. T.T.D. Board Res.No.225, dt:30-6-2008
2. From E.O., T.T.D. Proceedings Roc.No.B2/26303/2004, dt:15-8-2008.
3. Appeal Petition of Sri M.Malla Reddy, Security Guard, O/o. V & S.O., TTD dated:18-10-2008.
4. From E.O. T.T.D. Lr.Roc.No.B8/700/2009, dt.12-9-2009.

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**ORDER:**

Sri M.Malla Reddy, Security Guard, O/o. Vigilance & Security Officer, Tirumala Tirupati Devasthanams has filed an appeal before Government u/s.120 (ii) of Act 30/1987 against the orders of Tirumala Tirupati Devasthanams Trust Board.

2. On the charges of involvement in Black Marketing five Cellar Entry Tickets to the two different pilgrim parties on 10-10-2003 by demanding and accepting illegal gratification of Rs.500/- from one pilgrim party and expected some money from another pilgrim party after darshan, Sri M.Malla Reddy, Security Guard was punished with stoppage of three increments with cumulative effect vide Executive Officer, Tirumala Tirupati Devasthanams, Proceedings dt.7-10-2004.

3. Aggrieved by the said punishment orders, he filed an appeal on 28-12-2004 before the Tirumala Tirupati Devasthanams, Board u/s 120(i) of Act 30/1987. The Tirumala Tirupati Devasthanams, Board in its Res.No.225, dt.30-6-2008 dismissed the appeal vide Proceedings dt.15-8-2008.

4. Aggrieved by the said orders of the Tirumala Tirupati Devasthanams, Board, he filed an appeal before the Government under Section 120 (ii) of Act 30/1987 with a prayer to peruse the records, hear him and abrogate the punishment orders of stoppage of three (3) increments with cumulative effect by allowing his appeal.

5. The Executive Officer, Tirumala Tirupati Devasthanams has furnished the remarks and connected records on appeal of appellant vide reference 4<sup>th</sup> read above.

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6. The case was taken up for hearing on 12-5-2010. The appellant appeared in person. While reiterating the contents raised in the appeal petition he has stated that the enquiry was conducted behind his back and statements were recorded from the pilgrims under coercion and threat of arrest to suit the convenience of the reporting officer and during the departmental enquiry the appellant was not provided reasonable opportunity to cross examine the pilgrims from whom the Asst. Vigilance and Security Officer, has recorded the Statements behind the back of the appellant as the said pilgrims were not called for witness during the departmental enquiry. The appellant has further contended that he has not been provided reasonable opportunity to prove that he is not guilty of the allegations leveled against him by the Asst. Vigilance and Security Officer during the departmental enquiry and the enquiry officer has unilaterally held that the charges leveled against the appellant were substantiated though there is no ample evidence gathered during the enquiry and any punishment imposed based on the biased enquiry report is null and void and against the principles of natural justice. Appellant has, therefore, requested to set aside the impugned proceedings and drop further action against him.

7. After gone through the connected records, it is on record that the appellant by his letter dt.23-4-2004 has requested the A.E.O. (Sri Govinda Raja Swamy Temple) Tirupati to summon the Pilgrim Sri K.Srinivas and Sri N.Bala Subrahmanyam who are the complainants / witnesses in the enquiry so as to enable him to cross examine them to prove his innocence in respect of the allegations leveled against him. It was also recorded by the enquiry officer in the cross examination made by the appellant with the reporting officer wherein the reporting officer has deposed in his cross examination, that he has not conducted any Panchanama while recording the Statements of the complainants and that it is not there in the Statement that the appellant has collected money from the party after Darshan and the reporting officer has recorded the Statement of the complainant not in the presence of any body. It was also there on record that the appellant while submitting his written statement to the Executive Officer in response to the Enquiry report served on him, has categorically stated that the enquiry officer inspite of his specific request in writing submitted during the enquiry, has not chosen to summon the Complainant / Pilgrims to cross examine them, to prove himself that he is not guilty of the allegations leveled against him, as he never demanded and collected any money from the said complainant / Pilgrims in token of haring passed on the Darshan Tickets purchased by him for his relatives. The Executive Officer ought to have considered this aspect that the enquiry officer has not followed the Principals of natural Justice while concluding the enquiry and holding the charges as proved. In response to the show cause notice issued by the Executive Officer in his Roc.No.DA2/23855/2003 dated 18-8-2004 the appellant in his representation submitted to Executive Officer, on 8-9-2004 has also reiterated his contentions earlier raised by him which have not been considered by the Executive Officer and imposed the punishment of stoppage of three increments with cumulative effect as proposed in the show cause notice. As per the

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several Judicial pronouncements it is an established law that reasonable opportunity should be given to the accused Officer in the enquiry to prove himself not guilty of the charges framed against him. All through the proceedings the appellant has admitted the fact that he has purchased cellar Darshan tickets for his relatives who are scheduled to come to Tirumala but for obvious reasons they did not come and he has therefore passed on the tickets to the other pilgrims as a good will gesture and he has not collected any extra money from them and he is innocent of the allegations leveled against him. Whereas the Executive Officer has solely depended on the statement recorded by the reporting officer from the Pilgrims who have availed the opportunity of having Cellar Darshan by utilizing the Tickets passed on to them by the appellant and held the charges as proved. The Executive Officer ought to have provided the reasonable opportunity to the appellant to cross examine the complainant/pilgrims on the correctness or otherwise of the statement made by them before the reporting officer on the payments of extra money to the appellant. In view of the above, it is observed that the enquiry conducted by the AVSO is biased one and he failed to provide reasonable opportunity to the appellant and no reasons were recorded by him as to why he could not provide an opportunity to the appellant to cross examine the Pilgrim – Cum – Complainant. It is therefore held that there is no justification to punish the appellant without proper enquiry.

8. Taking the totality of the circumstances into consideration and to meet both ends of justice, the Government have observed that there is no hesitation to allow the appeal petition and to set aside the proceedings of Tirumala Tirupati Devasthanams Board passed in Roc.No.B2/26303/2004 dated:15-8-2008 confirming the orders of Executive Officer, Tirumala Tirupati Devasthanams in Roc.No.DA2/23855/2003, dt:7-10-2004. Hence, the appeal is hereby allowed.

9. The Executive Officer, Tirumala Tirupati Devasthanams shall take further necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF GOVERNOR OF ANDHRA PRADESH)

Dr.K.V.RAMANACHARY,  
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri M.Malla Reddy, Security Guard, O/o. A.C.V. & S.O., Tirumala Tirupati Devasthanams, Tirupati **thro' Executive Officer, TTD Tirupati.**

The Executive Officer, Tirumala Tirupati Devasthanams, Tirupati.

**Copy to:** OSD to M (Endts,S&R).

P.S. to Prl. Secy. (Endowments).

SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER